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BY ORDER OF THE COURT

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PURSUANT TO 31 U.S.C. § 3730(b)(3)

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United States Attorney
District of Hawaii

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

APR 13 2018

at 9 o'clock and 23 min. A. M.
SUE BEITIA, CLERK

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Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA and
THE STATES OF HAWAII, ex rel.
BETHANY J. LEWIS,

Relator/Plaintiffs,

v.

HONOLULU COMMUNITY ACTION
PROGRAM, INC., HONOLULU
COMMUNITY ACTION PROGRAM, INC.,
dba HCAP HEAD START, ROBERT N.E.
PIPER, in his individual
capacity and as Executive
Director of HONOLULU COMMUNITY
ACTION PROGRAM, INC., LYNN K.
CABATO, in her individual
capacity and as Director of HCAP
HEAD START, ROBYN ANTONUCCI, in
her individual capacity and as
Assistant Director of HCAP HEAD
START, DONNA MANIBOG, in her

CIVIL NO. 16-00062 JMS KJM

THE GOVERNMENT'S NOTICE OF
ELECTION TO DECLINE
INTERVENTION

individual capacity and as
Assistant Director of HCAP HEAD
START, SONIA CHAN, in her
individual capacity and as
Information Technology Manager
of HCAP HEAD START,

Defendants.

THE GOVERNMENT'S NOTICE OF
ELECTION TO DECLINE INTERVENTION

Pursuant to the False Claims Act, 31 U.S.C.

§ 3730(b)(4)(B), the United States notifies the Court of its
decision not to intervene in this action.

Although the United States declines to intervene, we
respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which
allows the relator to maintain the action in the name of the
United States; providing, however, that the "action may be
dismissed only if the court and the Attorney General give
written consent to the dismissal and their reasons for
consenting." Id. The United States Court of Appeals for the
Ninth Circuit has held that, notwithstanding this language, the
United States has the right only to a hearing when it objects to
a settlement or dismissal of the action. U.S. ex rel. Green v.
Northrop Corp., 59 F.3d 953, 959 (9th Cir. 1995); U.S. ex rel.
Killingsworth v. Northrop Corp., 25 F.3d 715, 723-25 (9th Cir.
1994). Therefore, the United States requests that, should

either the relator or the defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court provide the United States with notice and an opportunity to be heard before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator's action or claim. The United States also requests that it be served with all notices of appeal.

Finally, the Government requests that the relator's Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole

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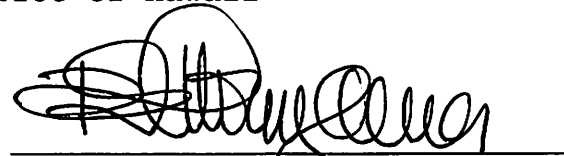
purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

DATED: April 13, 2018, at Honolulu, Hawaii.

KENJI M. PRICE
United States Attorney
District of Hawaii

By:



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Assistant U.S. Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA